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10/803,675	03/18/2004	Tony Chau	CA920030070US1	5939

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EXAMINER	
SMITH, GARRETT A	

ART UNIT	PAPER NUMBER
2169	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/803,675	CHAU ET AL.	
	Examiner	Art Unit	
	Garrett A. Smith	2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *18 March 2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office action is regarding the Application filed 18 March 2004. Claims 1 – 34 are pending.

Information Disclosure Statement

2. The information disclosure statement filed 18 March 2004 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because 2003/018660 A1 does not appear to be a valid US PGPUB number and therefore it is not considered. The Examiner would like to note that US PGPUB 20020100025 was placed twice on the instant IDS. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Objections

3. Claim 33 is objected to because of the following informalities: "in which network" should read "in which the network". Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. Claims 6, 16 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 6, 16 and 28 contain the trademark/trade name WEBSPHERE™ Studio Application Integration Edition platform. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe a business process design program (as evidenced by Applicant's Specification on page 1, 2nd paragraph of the Background section) and, accordingly, the identification/description is indefinite.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1 – 34 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1 – 6, 10 – 16 and 29 – 34 fail to place the invention squarely within one statutory class of invention. In claims 31, 32 and 34, applicant has provided evidence that applicant intends the "computer-readable signal-bearing" to include signals. As such, the claim is drawn to a form of energy. Energy is not one of the four categories of invention and therefore these claims are not statutory. Energy is not a series of steps or acts and thus is not a process. Energy is not a physical article or object and as such is not a machine or manufacture. Energy is not a combination of substances and therefore not a composition of matter.

Claims 7 – 9 and 17 – 22 are directed towards software, per se. Each of the claimed elements is referred to as code (for example, "storage and maintenance code"; "graph identification code", "export generation code", "import identification code" in claim 7) and therefore the claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*. Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." Both types of "descriptive material" are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be

realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994). Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because "[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.").

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. **Claims 1 – 3, 7, 8, 10 – 13, 17 – 19, 21 – 25, 29 and 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brisson (US Patent 5,678,052; patented 14 October 1997) and further in view of Collier et al (US Patent 5,815,152).

10. In regard to **claim 1**, Brisson teaches methods and systems for converting a Backus-Naur Form (BNF) grammar (structural text-based) into a compressed rail-road (RR) diagram (see Abstract, as well as Figure 5 for the example of a BNF and Figure 6a, 6b, 6c for the RR diagram of that BNF). Brisson discloses using pattern mappings to create the RR diagram (see figure 3). While Brisson does not directly disclose creating a BNF from a RR diagram, it is inherent in Brisson to convert a RR diagram into a BNF using pattern mappings. Brisson does not explicitly teach that the representations can be business processes. Collier et al does teach that graphical representation of business processes can be created through an interface (see figure 5). It would have been obvious to a person of ordinary skill at the time of invention to use the conversion methods and systems of Brisson with the graphical business process representations of Collier et al because it would resulted in the predictable result of converting text-based business processes into graphical representations of the business processes and furthermore would allow a user to have a multi-format business process that could be used elsewhere.

11. In regard to **claim 2**, Collier et al further teaches a system that allows a user to construct a business process with nodes that include conditionals, send/receive/response actions, and iterations (see figures 5, 8 and 11). It would have been obvious to a person of ordinary skill at the time of invention to use the conversion

methods and systems of Brisson with the graphical business process representations of Collier et al because it would resulted in the predictable result of converting text-based business processes into graphical representations of the business processes and furthermore would allow a user to have a multi-format business process that could be used elsewhere.

12. In regard to **claim 3**, Brisson, as mentioned above, teaches pattern mapping for converting between a BNF and a RR diagram (col 5, lines 44 – 60). Collier et al further teaches a system that allows a user to construct a business process with nodes that include conditionals, send/receive/response actions, and iterations (see figures 5, 8 and 11). It would have been obvious to a person of ordinary skill at the time of invention to use the conversion methods and systems of Brisson with the graphical business process representations of Collier et al because it would resulted in the predictable result of converting text-based business processes into graphical representations of the business processes and furthermore would allow a user to have a multi-format business process that could be used elsewhere.

13. In regard to **claim 7**, Brisson teaches methods and systems for converting a Backus-Naur Form (BNF) grammar (structural text-based) into a compressed rail-road (RR) diagram (see Abstract, as well as Figure 5 for the example of a BNF and Figure 6a, 6b, 6c for the RR diagram of that BNF). Brisson discloses using pattern mappings to create the RR diagram (see figure 3). While Brisson does not directly disclose creating a BNF from a RR diagram, it is inherent in Brisson to convert a RR diagram into a BNF using pattern mappings. Brisson does not explicitly teach that the

representations can be business processes. Collier et al does teach that graphical representation of business processes can be created through an interface (see figure 5). It would have been obvious to a person of ordinary skill at the time of invention to use the conversion methods and systems of Brisson with the graphical business process representations of Collier et al because it would resulted in the predictable result of converting text-based business processes into graphical representations of the business processes and furthermore would allow a user to have a multi-format business process that could be used elsewhere.

14. In regard to **claim 8**, Brisson, as mentioned above, teaches pattern mapping for converting between a BNF and a RR diagram (col 5, lines 44 – 60). Collier et al further teaches a system that allows a user to construct a business process with nodes that include conditionals, send/receive/response actions, and iterations (see figures 5, 8 and 11). It would have been obvious to a person of ordinary skill at the time of invention to use the conversion methods and systems of Brisson with the graphical business process representations of Collier et al because it would resulted in the predictable result of converting text-based business processes into graphical representations of the business processes and furthermore would allow a user to have a multi-format business process that could be used elsewhere.

15. In regard to **claim 10**, Brisson teaches methods and systems for converting a Backus-Naur Form (BNF) grammar (structural text-based) into a compressed rail-road (RR) diagram (see Abstract, as well as Figure 5 for the example of a BNF and Figure 6a, 6b, 6c for the RR diagram of that BNF). Brisson discloses using pattern mappings

to create the RR diagram (see figure 3). While Brisson does not directly disclose creating a BNF from a RR diagram, it is inherent in Brisson to convert a RR diagram into a BNF using pattern mappings. Brisson does not explicitly teach that the representations can be business processes. Collier et al does teach that graphical representation of business processes can be created through an interface (see figure 5). It would have been obvious to a person of ordinary skill at the time of invention to use the conversion methods and systems of Brisson with the graphical business process representations of Collier et al because it would resulted in the predictable result of converting text-based business processes into graphical representations of the business processes and furthermore would allow a user to have a multi-format business process that could be used elsewhere.

16. In regard to **claim 11**, Brisson teaches methods and systems for converting a Backus-Naur Form (BNF) grammar (structural text-based) into a compressed rail-road (RR) diagram (see Abstract, as well as Figure 5 for the example of a BNF and Figure 6a, 6b, 6c for the RR diagram of that BNF). Brisson discloses using pattern mappings to create the RR diagram (see figure 3). While Brisson does not directly disclose creating a BNF from a RR diagram, it is inherent in Brisson to convert a RR diagram into a BNF using pattern mappings. Brisson does not explicitly teach that the representations can be business processes. Collier et al does teach that graphical representation of business processes can be created through an interface (see figure 5). It would have been obvious to a person of ordinary skill at the time of invention to use the conversion methods and systems of Brisson with the graphical business

process representations of Collier et al because it would resulted in the predictable result of converting text-based business processes into graphical representations of the business processes and furthermore would allow a user to have a multi-format business process that could be used elsewhere.

17. In regard to **claim 12**, Collier et al further teaches a system that allows a user to construct a business process with nodes that include conditionals, send/receive/response actions, and iterations (see figures 5, 8 and 11). It would have been obvious to a person of ordinary skill at the time of invention to use the conversion methods and systems of Brisson with the graphical business process representations of Collier et al because it would resulted in the predictable result of converting text-based business processes into graphical representations of the business processes and furthermore would allow a user to have a multi-format business process that could be used elsewhere.

18. In regard to **claim 13**, Brisson, as mentioned above, teaches pattern mapping for converting between a BNF and a RR diagram (col 5, lines 44 – 60). Collier et al further teaches a system that allows a user to construct a business process with nodes that include conditionals, send/receive/response actions, and iterations (see figures 5, 8 and 11). It would have been obvious to a person of ordinary skill at the time of invention to use the conversion methods and systems of Brisson with the graphical business process representations of Collier et al because it would resulted in the predictable result of converting text-based business processes into graphical representations of the

business processes and furthermore would allow a user to have a multi-format business process that could be used elsewhere.

19. In regard to **claim 17**, Brisson teaches methods and systems for converting a Backus-Naur Form (BNF) grammar (structural text-based) into a compressed rail-road (RR) diagram (see Abstract, as well as Figure 5 for the example of a BNF and Figure 6a, 6b, 6c for the RR diagram of that BNF). Brisson discloses using pattern mappings to create the RR diagram (see figure 3). While Brisson does not directly disclose creating a BNF from a RR diagram, it is inherent in Brisson to convert a RR diagram into a BNF using pattern mappings. Brisson does not explicitly teach that the representations can be business processes. Collier et al does teach that graphical representation of business processes can be created through an interface (see figure 5). It would have been obvious to a person of ordinary skill at the time of invention to use the conversion methods and systems of Brisson with the graphical business process representations of Collier et al because it would resulted in the predictable result of converting text-based business processes into graphical representations of the business processes and furthermore would allow a user to have a multi-format business process that could be used elsewhere.

20. In regard to **claim 18**, Collier et al further teaches a system that allows a user to construct a business process with nodes that include conditionals, send/receive/response actions, and iterations (see figures 5, 8 and 11). It would have been obvious to a person of ordinary skill at the time of invention to use the conversion methods and systems of Brisson with the graphical business process representations of

Collier et al because it would resulted in the predictable result of converting text-based business processes into graphical representations of the business processes and furthermore would allow a user to have a multi-format business process that could be used elsewhere.

21. In regard to **claim 19**, Brisson, as mentioned above, teaches pattern mapping for converting between a BNF and a RR diagram (col 5, lines 44 – 60). Collier et al further teaches a system that allows a user to construct a business process with nodes that include conditionals, send/receive/response actions, and iterations (see figures 5, 8 and 11). It would have been obvious to a person of ordinary skill at the time of invention to use the conversion methods and systems of Brisson with the graphical business process representations of Collier et al because it would resulted in the predictable result of converting text-based business processes into graphical representations of the business processes and furthermore would allow a user to have a multi-format business process that could be used elsewhere.

22. In regard to **claim 21**, Brisson teaches methods and systems for converting a Backus-Naur Form (BNF) grammar (structural text-based) into a compressed rail-road (RR) diagram (see Abstract, as well as Figure 5 for the example of a BNF and Figure 6a, 6b, 6c for the RR diagram of that BNF). Brisson discloses using pattern mappings to create the RR diagram (see figure 3). While Brisson does not directly disclose creating a BNF from a RR diagram, it is inherent in Brisson to convert a RR diagram into a BNF using pattern mappings. Brisson does not explicitly teach that the representations can be business processes. Collier et al does teach that graphical

representation of business processes can be created through an interface (see figure 5). It would have been obvious to a person of ordinary skill at the time of invention to use the conversion methods and systems of Brisson with the graphical business process representations of Collier et al because it would resulted in the predictable result of converting text-based business processes into graphical representations of the business processes and furthermore would allow a user to have a multi-format business process that could be used elsewhere.

23. In regard to **claim 22**, Brisson, as mentioned above, teaches pattern mapping for converting between a BNF and a RR diagram (col 5, lines 44 – 60). Collier et al further teaches a system that allows a user to construct a business process with nodes that include conditionals, send/receive/response actions, and iterations (see figures 5, 8 and 11). It would have been obvious to a person of ordinary skill at the time of invention to use the conversion methods and systems of Brisson with the graphical business process representations of Collier et al because it would resulted in the predictable result of converting text-based business processes into graphical representations of the business processes and furthermore would allow a user to have a multi-format business process that could be used elsewhere.

24. In regard to **claim 23**, Brisson teaches methods and systems for converting a Backus-Naur Form (BNF) grammar (structural text-based) into a compressed rail-road (RR) diagram (see Abstract, as well as Figure 5 for the example of a BNF and Figure 6a, 6b, 6c for the RR diagram of that BNF). Brisson discloses using pattern mappings to create the RR diagram (see figure 3). While Brisson does not directly disclose

creating a BNF from a RR diagram, it is inherent in Brisson to convert a RR diagram into a BNF using pattern mappings. Brisson does not explicitly teach that the representations can be business processes. Collier et al does teach that graphical representation of business processes can be created through an interface (see figure 5). It would have been obvious to a person of ordinary skill at the time of invention to use the conversion methods and systems of Brisson with the graphical business process representations of Collier et al because it would resulted in the predictable result of converting text-based business processes into graphical representations of the business processes and furthermore would allow a user to have a multi-format business process that could be used elsewhere.

25. In regard to **claim 24**, Collier et al further teaches a system that allows a user to construct a business process with nodes that include conditionals, send/receive/response actions, and iterations (see figures 5, 8 and 11). It would have been obvious to a person of ordinary skill at the time of invention to use the conversion methods and systems of Brisson with the graphical business process representations of Collier et al because it would resulted in the predictable result of converting text-based business processes into graphical representations of the business processes and furthermore would allow a user to have a multi-format business process that could be used elsewhere.

26. In regard to **claim 25**, Brisson, as mentioned above, teaches pattern mapping for converting between a BNF and a RR diagram (col 5, lines 44 – 60). Collier et al further teaches a system that allows a user to construct a business process with nodes that

include conditionals, send/receive/response actions, and iterations (see figures 5, 8 and 11). It would have been obvious to a person of ordinary skill at the time of invention to use the conversion methods and systems of Brisson with the graphical business process representations of Collier et al because it would resulted in the predictable result of converting text-based business processes into graphical representations of the business processes and furthermore would allow a user to have a multi-format business process that could be used elsewhere.

27. In regard to **claim 29**, Brisson teaches a signal-bearing medium in figure 1. It would have been obvious to a person of ordinary skill at the time of invention to use the conversion methods and systems of Brisson with the graphical business process representations of Collier et al because it would resulted in the predictable result of converting text-based business processes into graphical representations of the business processes and furthermore would allow a user to have a multi-format business process that could be used elsewhere.

28. In regard to **claim 30**, Brisson teaches a signal-bearing medium in figure 1. It would have been obvious to a person of ordinary skill at the time of invention to use the conversion methods and systems of Brisson with the graphical business process representations of Collier et al because it would resulted in the predictable result of converting text-based business processes into graphical representations of the business processes and furthermore would allow a user to have a multi-format business process that could be used elsewhere.

29. **Claims 4 – 6, 9, 14 – 16, 20 and 26 – 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brisson (US Patent 5,678,052; patented 14 October 1997) and Collier et al (US Patent 5,815,152) as applied to claim 3 and in further view of Nemer (US PGPUB 2003/0110446, published 12 June 2003).

30. In regard to **claim 4**, Nemer teaches an object class and method for converting XML (which XPath is part of) to Java code and Java into XML code (see figure 3 and 4). It would have been obvious to a person of ordinary skill in the at the time of invention to use the conversion system of Nemer with the system of Brisson and Collier et al because it would have given the predictable result of converting a structured text based language (XML) into a code that can be used for graphical representations (Java).

31. In regard to **claim 5**, Nemer teaches an object class and method for converting XML (which XPath is part of) to Java code and Java into XML code (see figure 3 and 4). It would have been obvious to a person of ordinary skill in the at the time of invention to use the conversion system of Nemer with the system of Brisson and Collier et al because it would have given the predictable result of converting a structured text based language (XML) into a code that can be used for graphical representations (Java).

32. In regard to **claim 6**, XML, taught by Nemer, is inherently compatible with the Business Process Execution Language for Web Services (BPEL4WS) platform because the BPEL4WS platform is based on the XML standard. The XML code, taught by Nemer, is inherently compatible with the WebSphere™ Studio Application Developer Integration Edition platform. It would have been obvious to a person of ordinary skill in the at the time of invention to use the conversion system of Nemer with the system of

Brisson and Collier et al because it would have given the predictable result of converting a structured text based language (XML) into a code that can be used for graphical representations (Java).

33. In regard to **claim 9**, Nemer teaches an object class and method for converting XML (which XPath is part of) to Java code and Java into XML code (see figure 3 and 4). It would have been obvious to a person of ordinary skill in the at the time of invention to use the conversion system of Nemer with the system of Brisson and Collier et al because it would have given the predictable result of converting a structured text based language (XML) into a code that can be used for graphical representations (Java).

34. In regard to **claim 14**, Nemer teaches an object class and method for converting XML (which XPath is part of) to Java code and Java into XML code (see figure 3 and 4). It would have been obvious to a person of ordinary skill in the at the time of invention to use the conversion system of Nemer with the system of Brisson and Collier et al because it would have given the predictable result of converting a structured text based language (XML) into a code that can be used for graphical representations (Java).

35. In regard to **claim 15**, Nemer teaches an object class and method for converting XML (which XPath is part of) to Java code and Java into XML code (see figure 3 and 4). It would have been obvious to a person of ordinary skill in the at the time of invention to use the conversion system of Nemer with the system of Brisson and Collier et al because it would have given the predictable result of converting a structured text based language (XML) into a code that can be used for graphical representations (Java).

36. In regard to **claim 16**, XML, taught by Nemer, is inherently compatible with the Business Process Execution Language for Web Services (BPEL4WS) platform because the BPEL4WS platform is based on the XML standard. The XML code, taught by Nemer, is inherently compatible with the WebSphere™ Studio Application Developer Integration Edition platform. It would have been obvious to a person of ordinary skill in the at the time of invention to use the conversion system of Nemer with the system of Brisson and Collier et al because it would have given the predictable result of converting a structured text based language (XML) into a code that can be used for graphical representations (Java).

37. In regard to **claim 20**, Nemer teaches an object class and method for converting XML (which XPath is part of) to Java code and Java into XML code (see figure 3 and 4). It would have been obvious to a person of ordinary skill in the at the time of invention to use the conversion system of Nemer with the system of Brisson and Collier et al because it would have given the predictable result of converting a structured text based language (XML) into a code that can be used for graphical representations (Java).

38. In regard to **claim 26**, Nemer teaches an object class and method for converting XML (which XPath is part of) to Java code and Java into XML code (see figure 3 and 4). It would have been obvious to a person of ordinary skill in the at the time of invention to use the conversion system of Nemer with the system of Brisson and Collier et al because it would have given the predictable result of converting a structured text based language (XML) into a code that can be used for graphical representations (Java).

39. In regard to **claim 27**, Nemer teaches an object class and method for converting XML (which XPath is part of) to Java code and Java into XML code (see figure 3 and 4). It would have been obvious to a person of ordinary skill in the at the time of invention to use the conversion system of Nemer with the system of Brisson and Collier et al because it would have given the predictable result of converting a structured text based language (XML) into a code that can be used for graphical representations (Java).

40. In regard to **claim 28**, XML, taught by Nemer, is inherently compatible with the Business Process Execution Language for Web Services (BPEL4WS) platform because the BPEL4WS platform is based on the XML standard. The XML code, taught by Nemer, is inherently compatible with the WebSphere™ Studio Application Developer Integration Edition platform. It would have been obvious to a person of ordinary skill in the at the time of invention to use the conversion system of Nemer with the system of Brisson and Collier et al because it would have given the predictable result of converting a structured text based language (XML) into a code that can be used for graphical representations (Java).

41. **Claims 31 – 33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brisson (US Patent 5,678,052; patented 14 October 1997) and Collier et al (US Patent 5,815,152) as applied to claim 29 and in further view of Official Notice.

42. In regard to **claim 31**, neither Brisson nor Collier et al explicitly teach that the medium is a modulated carrier signal or a transmission over the Internet. However, the Examiner takes Official Notice that a person of ordinary skill in the art at the time of invention would have known how to transmit a program as a modulated carrier signal or

transmission over a network such as the Internet. It is obvious to a person of ordinary skill in the art at the time of invention to transmit as a signal a program over a network such as the Internet because it allows a user to replicate the program over multiple locations.

43. In regard to **claim 32**, neither Brisson nor Collier et al explicitly teach that the medium is a modulated carrier signal or a transmission over the Internet. However, the Examiner takes Official Notice that a person of ordinary skill in the art at the time of invention would have known how to transmit a program as a modulated carrier signal or transmission over a network such as the Internet. It is obvious to a person of ordinary skill in the art at the time of invention to transmit as a signal a program over a network such as the Internet because it allows a user to replicate the program over multiple locations.

44. In regard to **claim 33**, neither Brisson nor Collier et al explicitly teach that the medium is a modulated carrier signal or a transmission over the Internet. However, the Examiner takes Official Notice that a person of ordinary skill in the art at the time of invention would have known how to transmit a program as a modulated carrier signal or transmission over a network such as the Internet. It is obvious to a person of ordinary skill in the art at the time of invention to transmit as a signal a program over a network such as the Internet because it allows a user to replicate the program over multiple locations.

45. **Claim 34** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brisson (US Patent 5,678,052; patented 14 October 1997) and Collier et al (US Patent 5,815,152) as applied to claim 25 and in further view of Official Notice.

46. In regard to **claim 34**, neither Brisson nor Collier et al explicitly teach that the medium is a modulated carrier signal or a transmission over the Internet. However, the Examiner takes Official Notice that a person of ordinary skill in the art at the time of invention would have known how to transmit a program as a modulated carrier signal or transmission over a network such as the Internet. It is obvious to a person of ordinary skill in the art at the time of invention to transmit as a signal a program over a network such as the Internet because it allows a user to replicate the program over multiple locations.

Conclusion

47. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: US 5179698 A; US 5638539 A; US 5754454 A; US 5878425 A; US 6023579 A; US 6083276 A; US 6662188 B1; US 20050278358 A1.

48. The Examiner requests, in response to this Office action, that support be shown for language added to any original claims on amendment and any new claims. That is, indicate support for newly added claim language by specifically pointing to page(s) and line no(s) in the specification and/or drawing figure(s). This will assist the Examiner in prosecuting the application.

49. When responding to this Office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections See 37 CFR 1.111(c).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Garrett A. Smith whose telephone number is (571) 270-1764.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christian Chace can be reached on (571) 272-4190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

August 2, 2007

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